

Message Text

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NEA/RA - MR. SEARING

----- 014745

R 032205Z SEP 74

FM SECSTATE WASHDC

TO ALL DIPLOMATIC POSTS

CINCLANT

CINCPAC

AMEMBASSY SUVA BY POUCH

USINT BAGHDAD BY POUCH

AMEMBASSY BANJUL

XMT AMEMBASSY SUVA

AMEMBASSY CARACAS

AMEMBASSY BANJUL

UNCLAS STATE 193107

DAKAR PASS BANJUL, CINCLANT/CINCPAC FOR POLAD

FOLLOWING REPEAT CARACAS 8544 SENT ACTION SECSTATE INFO

USUN NEW YORK 30TH AUGUST.

QUOTE:

UNCLAS CARACAS 8544

FROM US DEL LOS

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DEPT REPEAT TO ALL US EMBASSIES EXCEPT CARACAS

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: PROPOSED INTERIM LEGISLATION ON DEEP SEABED MINING AND
200-MILE FISHERIES ZONE

1. IT APPEARS LIKELY THAT U.S. SENATE WILL SOON BE VOTING ON S.1134 AS AMENDED, QUOTE A BILL TO PROVIDE THE SECRETARY OF THE INTERIOR WITH AUTHORITY TO PROMOTE THE CONSERVATION AND ORDERLY DEVELOPMENT OF THE HARD MINERAL RESOURCES OF THE DEEP SEABED, PENDING ADOPTION OF AN INTERNATIONAL REGIME THEREFOR, UNQUOTE AND S.1988, THE QUOTE EMERGENCY MARINE FISHERIES PROTECTION ACT OF 1974. UNQUOTE

2. POINT OF THIS TELEGRAM IS NOT TO GO INTO SUBSTANCE OF TWO BILLS BUT TO ASCERTAIN EFFECT ON FOREIGN COUNTRIES OF WHAT THEY WOULD PROBABLY VIEW AS UNILATERAL ACTION BY UNITED STATES ON MATTERS UNDER NEGOTIATION AT THE LAW OF THE SEA CONFERENCE. VARIOUS FOREIGN DELEGATES HERE IN CARACAS HAVE SAID THAT IF THESE BILLS ARE PASSED THERE WILL BE A CHAIN REACTION OF UNILATERAL CLAIMS BY OTHER STATES. SUCH ACTION COULD HAVE A SERIOUS IMPACT UPON ACHIEVEMENT OF U.S. OBJECTIVES ESPECIALLY AS WE APPROACH FINAL AND CRITICAL STATE OF CONFERENCE IN 1975.

3. IF DEPT. CONCURS WE WOULD APPRECIATE POST'S ASSESSMENT WITHOUT CONSULTATION WITH HOST GOVERNMENTS OF WHAT REACTION IS LIKELY IN EVENT EITHER OR BOTH OF THESE BILLS IS PASSED. YOU SHOULD BE AWARE THAT WHILE ONE OR BOTH BILLS MAY PASS SENATE THIS FALL, PROCEDURE OF PASSAGE THROUGH HOUSE OR REPRESENTATIVES, CONFERENCE, AND SIGNING MAKE IT UNLIKELY THAT EITHER OF THEM WILL BE SIGNED INTO LAW BEFORE THE NEXT LOS SESSION, SCHEDULED FOR MARCH 17-MAY 10 IN GENEVA. NEVERTHELESS, SINCE BOTH BILLS HAVE HOUSE COUNTERPARTS, THIS SCHEDULE COULD BE ACCELERATED. QUESTION IS WHETHER APPARENT STEP ON ROAD TO LEGISLATIVE ACTION WILL TRIGGER REACTION ON PART OF STATES, PARTICULARLY THOSE WHICH FAVOR 200-MILE ECONOMIC ZONE. WE HAVE BEEN TOLD THAT SOME COASTAL STATE CLAIMS WOULD BE SO EXTENSIVE AS A 200-MILE TERRITORIAL SEA WITHOUT EXCEPTING FREEDOM OF NAVIGATION AND OVERFLIGHT.

4. RELEVANT SECTIONS OF BILLS FOLLOW:
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QUOTE (A) S.1134 (DEEP SEABED BILL). LICENSE TO DEVELOP.
SEC. 5 (A) GENERAL - PURSUANT TO THE PROVISIONS OF THIS ACT,
THE SECRETARY SHALL ACCEPT APPLICATION FROM, AND ISSUE LICENSES TO,
ELIGIBLE APPLICANTS FOR THE DEVELOPMENT OF HARD MINERAL RESOURCES
OF THE DEEP SEABED. ANY LICENSE ISSUED PURSUANT TO THIS SECTION
SHALL BE ISSUED TO THE FIRST ELIGIBLE APPLICANT WHO MAKES
WRITTEN APPLICATION THEREFOR, AND TENDERS A FEE OF \$50,000 FOR

THE BLOCK SPECIFIED IN THE APPLICATION AND AVAILABLE FOR LICENSING...(B) NATURE AND DURATION OF LICENSE. (1) ANY LICENSE ISSUED PURSUANT TO THIS ACT SHALL BE EXCLUSIVE AS AGAINST ALL PERSONS SUBJECT TO THE JURISDICTION OF THE UNITED STATES AND SHALL AUTHORIZE DEVELOPMENT OF THE HARD MINERAL RESOURCES OF THE DEEP SEABED FOR SPECIFIED BLOCKS THEREOF, PENDING ADOTPION, AND RATIFICATION BY THE UNITED STATES, OF AN INTERNATIONAL AGREEMENT COVERING THE SAME ACTIVITY:

PROVIDED, THAT IN NO EVENT SHALL ANY LICENSE ISSUED UNDER THIS ACT AUTHORIZE THE COMMERCIAL RECOVERY OF SUCH RESOURCES PRIOR TO JANUARY 1, 1976; AND PROVIDED FURTHER, THAT, EXCEPT TO THE EXTENT THAT SUCH LICENSES ARE AUTHORIZED PURSUANT TO THE PROVISIONS OF AN INTERNATIONAL AGREEMENT ESTABLISHING A REGIME FOR THE DEVELOPMENT OF MINERAL RESOURCES OF THE INTERNATIONAL SEABED AREA BEYOND THE LIMITS OF COASTAL STATE TERRITORIAL OR RESOURCE JURISDICTION, NO LICENSES SHALL BE ISSUED UNDER THIS ACT SUBSEQUENT TO THE RATIFICATION BY THE UNITED STATES OF ANY SUCH INTERNATIONAL AGREEMENT.

(B) S.1988 (200-MILE FISHEIRES BILL) (B) PURPOSES. IT IS THEREFORE DECLARED TO BE THE PURPOSE OF THE CONGRESS IN THIS ACT: (1) TO TAKE EMERGENCY ACTION TO PROTECT AND CONSERVE THREATENED STOCKS OF FISH BY ASSERTING FISHERY MANAGEMENT RESPONSIBILITY AND AUTHORITY OVER FISH IN AN EXTENDED CONTIGUOUS FISHERY ZONE AND OVER CERTAIN SPECIES BEYOND SUCH ZONE, UNTIL AN INTERNATIONAL AGREEMENT ON FISHERY JURISDICTION COMES INTO FORCE OR IS PROVISIONALLY APPLIED;

(2) TO EXTEND, AS AN EMERGENCY MEASURE, THE CONTIGUOUS FISHERY ZONE OF THE UNITED STATES TO 200 NAUTICAL MILES;

(3) TO EXTEND, AS AN EMERGENCY MEASURE, FISHERY MANAGEMENT RESPONSIBILITY AND AUTHORITY OVER ANADROMOUS SPECIES OF FISH WHICH SPAWN IN ANY FRESH OR ESTUARINE WATERS OF THE UNITED STATES; AND

(4) TO COMMIT THE FEDERAL GOVERNMENT TO ACT AS A GUARDIAN WITH RESPECT TO PREVENTING FURTHER DEPLETION, RESTORING DEPLETED UNCLASSIFIED

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STOCKS, AND PROTECTING AND CONSERVING FISH TO THE FULL EXTENT OF SUCH EMERGENCY RESPONSIBILITY AND AUTHORITY, AND TO PROVIDE FOR THE IDENTIFICATION, DEVELOPMENT, AND IMPLEMENTATION WITHIN TWO YEARS OF THE DATE OF ENACTMENT OF THIS ACT OF THE BEST PRACTICABLE MANAGEMENT SYSTEM CONSISTENT WITH THE INTERESTS OF THE NATION, THE SEVERAL STATES, AND OF OTHER NATIONS. END QUOTE

5. POSTS SHOULD BE AWARE THAT IT IS LOS DEL ASSESSMENT THAT KNOWLEDGE OF EXISTENCE OF 200 MILE FISHERIES BILL AND PRESSURE FOR ITS PASSAGE MAY SUBSTANTIALLY UNDERCUT U.S. BARGAINING LEVERAGE AT LOS CONFERENCE AND INCREASE RISK OF UNILATERAL ACTIONS EVEN IF BILL IS NOT PASSED. WE DO NOT EXPECT CONGRESSIONAL PASSAGE OF BILL BUT SENSITIVITY OF ISSUE STRONGLY INDICATED IT SHOULD NOT BE DISCUSSED WITH OR CALLED TO ATTENTION OF HOST GOVS. IF ISSUE ARISES POST SHOULD RESPOND FACTUALLY IN LOW KEY

FASHION MAKING POINT THAT SUCH BILLS HAVE BEEN PERENNIALY BEFORE
THE U.S. CONGRESS.

6. RESPONSES TO BE MOST USEFUL SHOULD BE RECEIVED BY NOON
SEPT. 4 IN D/LOS IN ORDER TO BE COLLATED FOR USE IN
TESTIMONY ON 200 MILES FISHERIES BILL BEFORE THE SENATE FOREIGN
RELATIONS COMMITTEE ON SEPT. 5.
STEVENS
UNQUOTE INGERSOLL

NOTE BY OCT: POUCHED SUVA AND BAGHDAD.

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